CHAPTER 3 REAL ESTATE OPERATIONS IN HOSTILE AREAS

Section I. GENERAL

26. Delineation of Combat Zone

The geographical limits of the combat zone are determined by the theater commander. Carefully marked maps showing the combat zone boundaries are kept on file in the Army or theater real estate office. They are essential in the adjustment of future claims.

27. Property Rights

The property rights of public and private owners in hostile territory are discussed in FM 27-10.

28. Local Law and Customs

So far as consistent with the best interests of the United States Government the local real estate laws and customs of a hostile country are observed. Every effort must be made to protect and hold free from damage all property, real and personal, used by or under the control of the United States forces. Care in this particular will create good will among the civilian population, facilitate the police and control of occupied areas, and save the United States Government vast sums of money for damages.

Section II. PLANNING

29. General

- a. Plans for real estate operations conform to—
 - Directives or instructions issued to the theater commander by the Joint Chiefs of Staff or by the service commander appointed executive agent for the Joint Chiefs of Staff.
 - (2) Policies established by decisions of the theater commander.
- b. In addition to formulating plans for real estate operations during actual hostilities, planning agencies also develop tentative plans to be followed during the occupation period when active combat has ceased and for use after a treaty of peace has been concluded.

30. Planning Group

a. Planning for real estate operations must be initiated early in the preparatory phases of a campaign by a planning group that includes representatives of all service commanders, interested technical services, the theater J5 or G5, and the responsible CAMG officer. Planning is directed by the theater J4 or G4 and supervised by the engineer of the service that has been given real estate responsibility by the theater

commander. The agency that will handle theater real estate operations when the campaign begins is organized at this time and should participate in all planning activities.

b. If officers possessing the necessary qualifications to conduct real estate planning are not available, qualified civilians specialists are made available from the Office of the Chief of Engineers on a temporary duty status. Military legal officers and civilian lawyers familiar with the laws of countries within the theater of operations are made available to the planning group for consultation and for technical review of proposed real estate policies and procedures.

c. If time permits the theater commander will organize a real estate allocation board within his headquarters prior to an invasion. The primary mission of this board is to assign locations to the services for logistical installations to be established in the communications zone or similar support area. Under the general supervision of J4, the board may include representatives of J1, J2, J3, J5 (CAMG) and interested technical service officers of the theater staff, as well as appropriate representatives of the Army, Navy, and Air Force. The board allocates areas among the services and develops

a master map. Copies of this map are furnished to each service and used as a guide in the location of support installations.

31. Policy Directive

a. The first mission of the planning group is to formulate a theater real estate policy that incorporates firm principles concerning—

(1) The utilization of state, municipal, and privately owned real estate within the

hostile territory.

(2) The payment or nonpayment of rental.

- (3) The documentation that will be required for the use and occupancy of real estate.
- (4) The documentation and adjustment of real estate claims.
- (5) The extent to which commanders can delegate their real estate responsibility and authority.
- (6) The real estate responsibilities of the Army, Navy, and Air Force commanders.
- b. When the details of real estate policy have been established, they are submitted to the theater logistics officer (J4 or G4) for approval by the theater commander. When approved, the policy is published in a directive issued by the theater headquarters in the form of a letter, standing operating procedure, or command regulation. No standard form is prescribed, but the policy directive usually includes paragraphs containing information about the following:
 - (1) References.
 - (2) Purpose of the directive.
 - (3) Definitions.
 - (4) Authority and responsibility of designated subordinate commanders, with the extent of permissible delegation indicated.

- (5) Real estate mission (acquisition, management, utilization, and disposal).
- (6) United States Government policies.
- (7) Applicable real property laws and laws of land warfare.
- (8) Areas of responsibility for real estate operations.
- (9) Relations with CAMG units and local government agencies, to include those local government agencies established by the military governor.
- (10) Claims administration.
- (11) Procedure for obtaining further policy decisions and resolving conflicts.

32. Operations Directive

- a. The theater policy directive is implemented by an operations directive that usually is issued as a standing operating procedure. It provides a guide for the actions and responsibilities of real estate officers in lower echelons.
- *b.* The operations directive includes instructions concerning—
 - (1) Functions of the theater real estate office.
 - (2) Procedures for the acquisition, allocation, utilization, management, and disposal of real estate.
 - (3) Required records and reports.
 - (4) Claims procedures.
 - (5) Personnel administration (acquisition, management, training, utilization of indigenous personnel).
 - (6) Operations of field real estate agencies, including AERE teams (responsibilities, attachment, logistical support, channels, and restrictions).
 - (7) Coordination with G5 and CAMG units.

Section III. CONDUCT OF OPERATIONS

33. Theater Real Estate Office

a. The theater real estate office should be established, manned, and prepared to direct real estate operations prior to the entry of United States forces into hostile territory. When the first AERE teams begin operating in their areas, the office maintains particularly close liaison with the teams to determine any necessary

corrections and changes in procedures that will facilitate subsequent real estate activities.

b. The theater real estate office of record is an integral part of the theater real estate office. Central filing of all records provides uniformity and convenient reference, as well as insuring that records will be preserved for the settlement of future claims.

34. Acquisition of Property

a. In the active combat zone, real estate required by the United States forces is acquired by seizure or requisition, without formal documentation. Seizure is resorted to only when justified by urgent military necessity and only with the approval of the commander having area responsibility.

b. Normally, property is obtained through requisition, which is a demand upon the owner of the property or his representative. No rent or other compensation is paid for requisitioned or seized property in the combat zone for its use or for damage resulting from acts of war or caused

by ordinary military wear and tear.

c. Outside the active combat zone, property is acquired only by requisition, and all transactions are documented thoroughly under the applicable provisions of theater directives. Large amounts of real estate are required for ports, staging areas, training and maneuver areas, leave centers, supply depots, and head-quarters installations. Included is property that is highly developed and of considerable value to the civilian population. Procedures are followed which will provide the property required while insuring that the legal rights of owners are protected.

Section IV. EMPLOYMENT OF ARMY ENGINEER REAL ESTATE TEAMS

35. General

- a. The theater real estate policy directive will indicate whether Army engineer real estate tens are to be employed for all services within the theater, or only to handle Army real estate stages of development of a theater of operational control are exercised by the engineer of the command that has been charged with real estate responsibility.
- b. AERE teams are essential in the initial stages of development of a theater of operations. The need for these teams diminishes whenever any of the following occur—
 - (1) The theater becomes static due to a cease-fire, the cessation of hostilities. or an armistice.
 - (2) There is a phased reestablishment of the central, departmental, or local government of the country.
 - (3) The gradual withdrawal of United States Army forces from the area takes place.
 - (4) Static facilities and areas are established for United States installations, to be used by occupation or security forces.
 - (5) A theater, command, or area post engineer structure is established.
- c. AERE teams act as field representatives of the real estate office. Each team is assigned an area of responsibility corresponding to an appropriate geographical subdivision of the country. The team is stationed at the seat of the

government for its assigned area.

d. With the approval of the field army commander, AERE teams may occupy their assigned stations in the combat zone, in anticipation of the area becoming a part of the communications zone at an early date. AERE teams operating in forward areas relieve combat commanders from administrative duties relating to real estate and establish effective liaison with civilian agencies.

36. Progressive Phases of Team Operations

The development of real estate operations in a theater and the corresponding effects upon AERE team activities, may be considered as advancing through four general phases, as follows:

a. Phase I. In this phase, an advance section of the communications zone has been established, civil government is being reconstituted by CAMG units, and a large-scale logistical buildup is in process to provide for both the immediate needs of the theater and the future requirements of occupation forces. AERE teams handle the majority of real estate transactions conducted within the theater. Teams familiar with base plans should secure sites for contemplated logistical installations. Early acquisition of suitable sites will prevent later disruption of the local population by eviction, relocation, and the piecemeal acquisition of land and buildings.

- b. Phase II. At this time, local law and order and civil government are being established with the theater communications zone or equivalent command. Civil government agencies become increasingly capable of conducting real estate operations, relieving the AERE teams of the burden of documentation. The teams are largely occupied with making joint inventories of real estate occupied by United States forces.
- c. Phase III. In this phase, local and departmental governments are fully established and are performing their real estate functions. AERE teams are handling the acquisition of easements, rights-of-way, and additional property; utilization inspections; disposals; claims investigations, reports, and negotiations for settlement within the limits of their delegated authority; and the payment of rentals if required. Toward the latter part of this period, theater base planning is approaching completion, and the military population of the theater usually has reached its height. Theater logistical stocks are also at their maximum levels. Preparations are being made for withdrawal, and the locations of the occupation or security forces that will remain are being determined. Indigenous military requirements for real estate may be superimposed upon the requirements of the United States forces, affecting the disposal program and plans for establishing permanent bases.
- d. Phase IV. The final phase of real estate development is marked by the establishment of property accountability by theater directive and the establishment of post engineer real estate staffs in all stabilized areas within the theater. AERE teams no longer are necessary where the post engineer organization is functioning. Initially, key members of the teams should be attached temporarily to the post engineer staffs to transfer area real estate records and to advise staff members about real estate directives, procedures, and problems peculiar to the area. Personnel of the AERE teams may be transferred to post engineer staffs to provide a nucleus of trained real estate personnel.

37. Methods of Employing Teams

- a. The theater or Army real estate officer may employ the AERE teams in the following ways:
 - (1) Partial replacement. This method

- leaves a portion of the displacing team to assist the new team, while the remainder, reinforced by replacement personnel, moves to the new area. In this way, experienced personnel are provided to insure continuity of operations.
- (2) Permanent location. Teams may be assigned to permanent locations. This is desirable in areas such as base sections, where stable installations are established and real estate operations on a large scale are conducted within a relatively limited area.
- b. The partial replacement method is generally most suitable. since it offers the following advantages:
 - (1) Provides continuity of policies and procedures.
 - (2) Makes possible the most effective use of indigenous or displaced personnel, reducing requirements for military personnel.
 - (3) Facilitates the training of replacement personnel.

38. Channels

- a. Command.
 - (1) Theater directives establish the command channels to be used in conducting real estate operations. should be a clear definition of the authority to be exercised by area commanders over priorities of allocation, resolution of conflicts between services, determination of utilization and joint utilization, and decisions affecting property disposal. Orders assigning an AERE team to an area should advise the area commander as to the command status of the team and the extent of administrative and logistical support that the commander will provide.
 - (2) All local command conflicts regarding the interpretation of directives, authority, procedures, and policies are referred by the AERE teams to the real estate officer of their parent headquarters.

b. Technical. AERE teams utilize a direct channel to the theater or Army engineer office for all matters dealing with real estate operations.

39. Procurement Authority

The officer in charge of the AERE team should be granted procurement authority within

defined limits. This permits him to arrange for local services, including necessary alterations and repairs, which do not warrant the assignment of United States construction or maintenance personnel. If theater directives require cash payments, he should be authorized to secure funds from the nearest military finance center.

Section V. SPECIFIC OPERATIONS OF AERE TEAMS

40. Initial Actions

Upon arrival at his assigned location, the officer in charge of an AERE team takes the following initial actions:

a. Reports his arrival to his parent headquarters, furnishing the name of a military unit through which he can receive messages.

- b. If attached to a military headquarters in the area, reports to it, advising the unit of his location and personnel and establishing liaison with the general staff sections, particularly with G4 personnel responsible for command real estate. The signal officer should be requested to provide telecommunication facilities capable of reaching the parent headquarters of the team. Authority to draw rations should be arranged with the command quartermaster.
- c. Visits the local headquarters of the CAMG unit, CIC, CID, and other United States agencies in the area. A close working agreement with the local CAMG unit is essential to insure proper division of responsibilities for real estate. All United States units in the area should be informed of the duties and responsibilities of the team so that their cooperation may be assured in subsequent real estate operations.

41. Local Officials

- a. The team commander should visit the head of the local government shortly after arrival in the area and explain the duties, functions, and responsibilities of the team. Local real estate procurement officials should also be briefed concerning their procurement functions for the team.
- b. If the area formerly was occupied by enemy military units, local officials are directed to provide a list of the property used by these forces. This list indicates properties that can be utilized for similar purposes by United States military units.

42. Facilities Survey

As soon as practicable after arriving in a new area, the team commander initiates a survey of available real estate that is suitable for the use of United States forces. He submits a report of his findings to the theater real estate office, giving complete information about the area facilities for housing, hospitals, head-quarters, warehouses, supply depots, and special purpose installations. This survey may also include other data requested by higher headquarters, such as an estimate of the local labor and engineer material resources. CAMG agencies also gather information of this character, and access to their records will be of great assistance. Standardized * forms such as the Housing Installations Report format shown in figure 3 may be utilized to transmit this information. The instructions for filling out this form are as follows:

- a. Column (1). Reference Number. Number each entry in the report consecutively for each "Township."
- b. Column (2). Name of Accommodation. List separately each static installation that will house 100 or more persons, and hutted camps and blocks of houses that will house 200 or more persons. Give street address or name on blocks of houses.
- c. Column (3). Map Coordinates. Indicate a six-figure map reference for each installation listed in column (2).
- d. Column (4). Town or Nearest Town. Enter the name of the town in which the accommodation is located or the nearest town thereto. Use only those town or place names used on the authorized military maps.
 - e. Column (5). Type. Indicate the type of

^{*} The type form, appearing in this manual are not necessarily standardized forms but are subject to modification by oversea commanders to be more effective and adequate to their particular needs.

installations listed in column (2) by using the appropriate key listed below:

(1) *Type A.* Permanent type of military barracks, capacity of 100 or more persons.

(2) *Type B.* Hotel, school, or similar building suitable as quarters, capacity of 100 or more persons.

(3) *Type C.* Completely hutted camps, capacity of 200 or more persons.

(4) *Type D*. Blocks of private houses and other small private installations with a capacity of 200 or more persons.

f. Column (6). Capacity. Indicate the number of persons that camp, installation, etc., will accommodate. Capacities will not be reported separately for officers and enlisted men. Standard scale prescribes a total of 65 square feet per person, which includes sleeping space plus space for kitchen, messhalls, recreation, officers, etc.

g. Column (7). Present Occupants or Use. If installation is used for housing, indicate type of occupants by use of key below; other than housing, indicate present use as factory, warehouse, etc., as case may be:

UST --U.S. troops

PW --Prisoners of war

RAMP --Recovered allied military personnel

DP --Displaced persons

CIV --Civilians

h. Column (8). Condition. Indicate condition

as good, average, or poor.

i. Column (9). Utilities. Indicate whether electricity, water, and sewage are available to meet established scales. Indicate availability of water by W; electricity, E; sewage, S.

j. Column (10). Remarks. Enter any additional information of value concerning the accommodations listed, particularly with respect

to rehabilitation that would be necessary to place property in a suitable condition.

43. Displacement

a. When an AERE team displaces to a new location, adequate records and information are furnished to the incoming team or to the unit that is assuming real estate responsibility for the area. A joint reconnaissance of real estate held by United States forces within the area should be made by the old and new commanders.

b. The incoming commander is provided with a comprehensive summary of team activities

that includes—

- (1) The names, addresses, and duties of all key civilian officials and of non-official persons (appraisers, lawyers, brokers, etc.), who have proved helpful in real estate matters.
- (2) An overlay of the area of responsibility, showing the location of property under jurisdiction of the team.
- (3) A brief descriptive statement about the real estate situation in general, including the status of activities in process and additional activities which are to be undertaken in the near future.
- (4) Information concerning payment and other details of arrangements made for quarters, civilian employees, etc.
- (5) The status of any outstanding obligations.
- c. A complete file of current orders, standing operating procedures, and checklists is furnished.
- d. The location and status of all records are explained. A receipt for all records and equipment which he leaves behind is obtained by the outgoing team commander.

Section VI. REAL ESTATE PROCEDURES IN OCCUPIED AREAS

44. Local Government Functions

a. Real Estate Operations. The government officials of an occupied area are required by the laws of land warfare to provide facilities for the occupying military forces. Local government agencies are utilized for the following purposes:

(1) Locating suitable facilities. Since they possess a detailed knowledge of the area, local government officials usually can suggest readily available properties that will meet military requirements. If the suggested property is not suitable, officials are directed to

ECUSION DESTALLATIONS NEFORM

of township)	(10) Remarks	
(Frincipal city or town of township)	(9) Tellities	
(Fr	(8) Condition	
(Inte)	(7) Fresent occupant or use	
1	(6) Capacity	
(Province)	(5)	
oty)	(k) Town or nearest town	
(County)	(3) Map coordinates	
(Township)	(2) Heme of accommodation	
Ton	(1) Reference number	

Figure 3. Sample housing installations report.

- provide acceptable facilities promptly. If they fail to do so, property is requisitioned directly from the owners.
- (2) Eviction. Local government officials should conduct the eviction of civilians from property requisitioned by the military forces. Only in the most urgent circumstances, or upon refusal of local authorities to act, will eviction be handled by the Army.
- (3) Inventories. A representative of the local government should assist in the preparation of all property inventories. The signature of the local official charged with real estate responsibility must be obtained on the initial and release inventories. This requirement is adhered to in order to insure that the United States Government will be protected from unjust claims for loss of or damage to real and/or personal property used by or under the control of United States forces.
- (4) Records. Local government real estate personnel should be instructed in the proper maintenance of records to comply with United States forces standards and requirements. It is particularly important that requisitions carry the correct property descriptions, and foreign government personnel check all requisitions against the corresponding entries in their permanent records. If the local records have been destroyed, the local authorities must establish a correct legal identification of the requisitioned property.
- b. Official Relations. Firmness and courtesy are the basis for all official contacts between real estate personnel and civilian authorities. Under no circumstances are personal relations to be permitted to influence any official transactions or to create situations detrimental to the best interests of the United States Government.
- c. Local Opposition. When local opposition to real estate operations develops, immediate coordination is effected with the G5 or responsible CAMG officer. If the situation cannot be resolved, a full report is sent to the next higher real estate office.

45. Allocation

a. When combat ceases in an area, the real estate held by United States forces usually reflects emergency needs and will not be suitable for the requirements of occupation agencies and installations. It is necessary to establish a program of reallocation and acquisition, based upon prior planning. When operations indicate that an area will change from a combat zone to an occupation zone, the location and extent of large installations or those having special requirements should be determined, whenever

possible, prior to the transaction.

b. The theater J4 or G4 is responsible for the allocation of real estate to the using services and agencies. He is guided by the recommendations of the theater real estate officer and the theater J5 or G5, who determine the availability of particular property for military use and the effect of such utilization upon the economy of the country. Competition between services and units for real estate is to be avoided. Where control of real estate has not been assigned to a single theater agency, a joint committee should be appointed by the theater commander to

determine property allocations.

c. When time permits, an allocation board should be convened to consider sites for large and special purpose installations. Members of this board include representatives of the using services, engineers (construction and real estate divisions), signal officer, surgeon, transportation officer, quartermaster, and G5 (CAMG). Factors to be considered in evaluating sites include the minimum area essential for the proposed installation, adequacy of water supply and other utilities, accessibility to routes of communications, suitability of terrain, signal communication facilities, supply of local labor and materials, and special requirements of any nature. In the absence of a board, the using service conducts its own reconnaissance and requests the theater J4 or G4 to allocate the property desired.

46. Acquisition

a. All property acquired by the occupation forces is secured through the real estate officer responsible for the area, who prepares the necessary requisitions and conducts all other transactions required by theater regulations. In

emergencies, when no real estate officer is avail able, units may find it necessary to requisition property directly from the owners. A copy of this requisition is forwarded promptly to the nearest AERE real estate team or other real estate procurement authority, with a memorandum stating the circumstances and describing the condition of the property at the time of taking. This provides a basis for the settlement of claims or for the completion of prescribed rental and requisition documents.

b. Before AERE teams are functioning in an area, real estate is acquired for units by the area engineer on the basis of requests made by the S4 or G4 of the unit. Unit responsibility is established by the signature of the commander or his representative upon an inventory form. When AERE teams are functioning, letter requests are submitted to the team headquarters and the real estate is then requisitioned by the authorized real estate officer. Typical formats for such letter requests are as follows:

(1) For specific accommodations. Zone:
Combat
Communications Date
HEADQUARTERS
HEADQUARTERS
(Designation of unit)
APO
SUBJECT: Request for Real Estate Accommodations
TO : Officer in Charge, AERE Team Nr.
1. It is requested that the following property be requisitioned for the use of th organization: LOCATION
(Give house number and street address, name of building, coordinates of
other precise, identifiable location. If necessary, attach an overlay of
sketch to identify the property.)
TOWNCOORDINATES
NEAREST LARGE TOWN
PROVINCE OR DEPARTMENT
NAME OF OWNER.
PROPOSED USE OF PROPERTY
(Quartering of troops, motor pool, etc.)
PROPERTY NOW OCCUPIED BY
IS THE ENTIRE PROPERTY, BOTH LAND AND BUILDINGS, LOCATED A
THE ABOVE ADDRESS TO BE USED BY THE UNIT?
DESCRIPTION. (If space is insufficient or inadequate, space on reverse of this form
may be used)
Type (residence, BUILDING NR. 1 BUILDING NR. 2 BUILDING NR. 3
warehouse, etc.)
Number of rooms
occupied or to be
occupied by unit.
Total square feet
of floor space oc-
cupied or to be
occupied by unit.
Is the entire build-
ing occupied or to
be occupied by
unit?
Number of square feet or acres used or to be used by unit
Type of land (whether orchard, grazing, wood, plowed, etc.)
2. All the preceding described property will be, or was, occupied by this un
from
(date)

(If there are several dates of entry for different portions of the property, due notations should be indicated hereon.)

3. The required approval of the proper a modations in this area has been, or will be, obt	
Request su	bmitted by
	(Name and grade)
	(Organization)
The above request for facilities and the al is approved.	docation thereof to the requesting service
date	
·	(Signature and grade of prope authority having jurisdiction over assommodations in thi area)
(2) For unspecified accommodations. Zone:	
Combat	
Communications	
	Date
HEADQUART	'ERS
	•••••
(Designation of APO	
SUBJECT: Request for Real Estate or Accommo TO: Officer in Charge, AERE Team Nr	dations.
1. It is requested that the following descri	bed property be acquired for the use
	(date)
a. Desired location	coordinates)
•	nap giving exact location of buildings
b. Town	
c. Using service	
Estimated term of occupancy	
d. Description:	•
(1) Open storageother local unit of measure	sq. It., acres, or
(2) Covered storage	sa. ft.
(3) Workshops	
(4) Office space	= _
(5) Billets for	-
(6) Bivouac area	
(7) Special installations	
(8) Other requirements (list all pertine	ent data, such as utilities, rail service,
(2) If the type of facility requested is known	
fill in the following:	
a. Occupied () Exists () (Indica	
b. If occupied, attach statement of genera	
c. Date of entry	(Give date unit
moves into property)	

d. Type of property	***************************************
	privately owned or public property)
e. Description of property: Land Number of acres	Buildings Number and type Number of rooms(total)
(Whether orchard, grazing, woods, plowed, kind of crops)	Total sq. feet floor space
f. Owner's or agent's name (indicate v	
(Name)	(Address)
(Town) g. Occupant's name if other than ov h. Occupied by	(Nearest large town) wnersonnel accommodations and office space and
of G4 for hospitals, shops, warehouses, and has been secured and noted hereon in the spa	other supply installations and depot areas
request submit	(Name and grade)
	(Designation)
The above request for facilities and the is approved.	(Telephone) allocation thereof to the requesting service
(date)	(G1 or G4)

- *c.* Instructions for preparing requests for accommodations prescribe the following:
 - (1) All blanks are filled in completely and accurately. Particular care is exercised in describing the precise location of the property requested.
 - (2) One copy of the request is delivered to the headquarters of the AERE team, even if the property, due to the exigencies of the situation, may already have been occupied by the requesting unit. If property at more than one address is desired, a separate request is necessary for each different address.
 - (3) If, after occupation of the property, any additional space is used or any space is released, the AERE team is advised of that fact.
- *d.* The following types of property are not requisitioned without authorization by the theater real estate officer:
 - (1) Educational and cultural institutions.
 - (2) Buildings and grounds of shrines, religious institutions, and temples.
 - (3) Hospital facilities.

- (4) Bank premises.
- (5) Agricultural areas essential to the national economy.
- (6) Court facilities, including buildings and grounds, and law libraries which are used or occupied by the courts and court officials in the administration of justice, deposit offices, registry offices, and jails or other detention facilities.
- (7) Postal facilities.
- (8) Harbor and dock facilities.
- (9) Rail facilities.
- (10) Telephone and telegraph offices and radio stations.
- e. Buildings essential to the civil government, containing important scientific facilities, or set aside for the reception of refugees or displaced persons normally are placed under CAMG control and cannot be requisitioned for the use of troops. The area commander may also establish control, by means of safeguards or off-limits restrictions, over property which has a vital

function in the maintenance of the civilian economy, where the owner or management is unknown or absent.

f. The United States forces do not pay rent or other compensation for the use of requisitioned real estate or for damages incurred through its Such occupancy. payment compensation to individual property owners is the responsibility of the local civil government, subject to United States military authorization and supervision. The monthly rental value of a property is ascertained by the local authorities at the time of requisition and is reviewed by the responsible real estate officer to insure that it is consistent with the prevailing rentals for similar properties in the vicinity. Where detailed appraisal is necessary, the methods and principles described in the Corps of Engineers text, Real Property Appraiser's Handbook, will be followed by real estate officers and their civilian advisers. The rental upon approval by the real estate officer, is paid by the local government to the owner of the property. Rentals and fees for facilities should not exceed the local levels that existed prior to the military occupation. Scales should be prepared during the planning period and adjusted to local conditions after consultation with CAMG representatives and local civil authorities.

g. When required for an extended period of time for routine operational functions, easements and rights-of-way are acquired through regular requisitioning procedures.

47. Inventories

a. When real estate is occupied or released, the real estate officer or unit representative, accompanied by the owner or an authorized agent of the civil government is required to—

(1) Inventory removable installed equipment such as heating, electric lighting,

and plumbing fixtures.

(2) Carefully examine and record the condition of the premises, the structure or structures, and the contents.

(3) Record all gas, water, and electric

meter readings.

b. Inventory and condition reports are shown in figures 4, 5, and 6. The prescribed forms* are signed by an officer of the unit and by the owner or authorized civil official. Copies are

filed with the unit headquarters, the appropriate government agency, and the real estate officer responsible for the area. The completed inventory and condition report provides for accountability by the using unit, protects the United States from invalid claims, and establishes unit responsibility for furnishings and equipment included with the property.

c. Both the original and final inventories note the condition of the property. Since future disagreements may involve the degree of condition, this portion of the inventory form must be completed with particular care. Cleanliness is not considered. The individual preparing the form observes both the structural and interior conditions of the building, and describes the damage caused by such things as fire, explosion, and weather. A damaged roof or wall also may indicate interior damages due to rain or snow. Most damages to property used by military forces may be described as "wear and tear," the ordinary and usual damages resulting from normal use and occupancy. This type of damage is not noted on the final inventory and condition report.

d. When alterations and repairs have been made to a building, they should be recorded on both the final inventory and the release documents. A description, sketches, and plans of the alteration or repair, a bill of materials used in the project, and the manpower and equipment expended on it should be recorded if possible. The estimated increase or decrease in property value should be noted on pertinent real estate

records.

e. The original and final inventory and condition reports are retained in the files of the responsible real estate office as a permanent record. If the original report does not exist when the final inventory is made, an estimate of value and condition is agreed upon by the real estate officer and the government representative. This evaluation is noted on the final report.

<u>f.</u> The commander of the using unit or agency is responsible for all equipment, movable fix-

^{*}The type forms appearing in this manual are not necessarily standardized forms but are subject to modifications by oversea commanders to be more effective and adequate to their particular needs.

tures and personal property on the premises and may be held pecuniarily liable if any of this property is removed without the prior written approval of the real estate officer having jurisdiction. If furniture or other movable property is removed for reasons other than storage or safekeeping, the transaction is regarded as a procurement and regularized as such by a purchasing and contracting officer authorized to procure the property. Items of personal property secured from local authorities on a loan or mutual aid basis may not be brought into the premises unless properly marked to indicate that they were not included in the inventory. Each item is marked to indicate the source from which it Was obtained.

- g. When a final inventory shows shortages in furnishings and equipment enumerated in a previous inventory, action may be taken under regulations to make compensation to the owner, either in the form of a money adjustment or by providing equivalent items from United States sources. regulations will prescribe procedures to be followed whenever differences regarding property inventories arise between the owners and the occupying forces. This will normally direct the appointment of a board of officers to investigate and determine the status of the property involved. A report relative to the disputed inventory is included as a part of the claim when it is submitted to the command claims service or other designated agency.
- h. Photographs of requisitioned and released real estate may be filed with inventory reports if future claims are anticipated. Photographs are desirable in that they record the appearance and condition of costly structures, areas before improvement, the condition of timberland and gravel pits, and similar types of property where written reports are supported most effectively by visual evidence.

48. Responsibility and Accountability

a. The commander of an area is responsible for the protection and safeguarding of real estate within his command. This responsibility cannot be transferred or delegated. Commanding officers of occupying units or agencies, however, may be held pecuniarily liable for the loss, damage, or destruction of leased,

requisitioned, or confiscated property and contents, or both.

- b. Area commanders are also responsible for the proper assignment and utilization of all property used by United States forces under their jurisdiction. They must insure that accountable property records are maintained by a designated officer. Property accountability extends to movable equipment, furniture, and furnishings inherent in the special purpose for which the facility was leased or requisitioned. It includes the contents of hotels, restaurants, and factories, but not the furnishings of dwellings.
- c. The commander of the using unit is responsible for the preservation and proper policing of occupied property. Each commanding officer takes the precautions necessary to prevent damage to premises while they are under his control. This includes the protection of plumbing and heating systems against freezing and of interiors against the elements, as well as safeguarding the premises against looting or depredation.
- d. Maintenance of and repairs to structures, and mechanical and electrical equipment, required by the ravages of time and ordinary fair wear and. tear are the responsibility of the owner, unless a lease or contract specifically provides otherwise. When performed by the United States forces, the cost of such maintenance and repairs should be recovered by a proportionate reduction in rent. The expense of alterations, painting, and decorating performed solely for the convenience of occupying personnel is borne by the United States.
- e. The real estate officer's responsibility for property that he has acquired terminates when he transfers it to the using unit or agency. His responsibility is reestablished when the property is returned to him for release. Transfers between users will not be effected without the knowledge and written consent of the responsible real estate officer.

49. Municipal, Religious, Charitable, Cultural, or Other Protected Properties

a. Municipal, charitable, or cultural properties may be requisitioned by the armed forces, but only in cases of extreme military necessity

(A complete Inventory and Condition Report will be filed with the real estate agency responsible for the area by each unit when occupying and vacating property.)

INVENTORY AND CONDITION REPORT

	Headquarters:	
	APO:	U.S. Army
		Date)
Type of property		
Address of property		
Town		
Date occupied	Date vacated	
Occupying unit		
	APO	
Responsible officer		
Read all meters and place reading below:		
Electric Gas	Water	· · · · · · · · · · · · · · · · · · ·
Is civilian telephone used?		
Describe other services furnished		
Type and amount of crops, if any		
	(Over)	

Figure 4. Sample inventory and condition report.

INVENTORY

(List all furniture, fixtures, and other movable objects included in the property. Show condition as G -

No.	Article	Condition	No.	Article	Condition

CONDITIONS

(List all factors which may be a basis for future dan parts of building already damaged, removed, or alters ments made by the United States forces. Attach addi	tions effected. Also list any repairs or improve-
CERTIFI	CATE
I certify that the above is true and correct, that	there have been no omissions, and no damage has
been done to the property or its contents except:	(If none, so state)
(Signature of owner, agent, or local civil official)	Surveyed by(Name and rank)
Address:	
	(ASH)
	(Organization)

Figure 4.—Continued.

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TO:						FROM: (Nam	е.	e nc	A	dress of Res	ponsi	le Install	at i	on	,	
1					DENTIFICATION OF	REAL ESTAT	E :	SUI	RVE	YED						_
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							١									
S. NAME OF INSTALLATION				_		7. PROPERTY	A	DR	ESS	(Town, City	, Pre	fecture and	Ċc	นก	try	7
B. PRESENT USE						9. ORIGINAL	U	S E								
10. OWNERSHIP						II. TOTAL L	ANG	A	RE							_
							_	_								
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(2) WALLS	ᆚ	1	ᆚ	1_	(18) WALL COVERING	3	1	_	_	(34) ELECT	RIC 51	STEM	_			
(3) ENTRANCES	1	L	1	\bot	(19) FLOORS		4	_	_	(35) FIXTU	RES		_	_	_4	
(4) POOF	_	4	4	1	(20) TILE		4	4	4	(36) PLUMB	ING SY	STEM	_	_	_	
(5) PORCHES		1	┸	1	(21) LINOLEUM		4	_	_	(37) BATHT	UBS		_	4		_
(6) WINDOWS	_	_	┸	┸	(22) TATAMI (4	_	4	(38) TOILE	TS			4	_	
(7) STORM WINDOWS.	4	4	1	\perp	(23) CEILINGS		4	_	_	(39) URINA	LS		_	_		_
(B) SCREENS	4	4	4	1	(24) DOORS		4	4	-	(40) SINKS				-	\dashv	\dashv
(9) DRAINAGE	4	4	4	1	(25) WINDOWS		4	4	4	(41) LAVAT			\dashv	-	_	-
(10) GROUNDS	4	4	1	1	(26) WOODWORK		4	_	_	(42) REFRI		ON	4	4		\dashv
(11) FENCES	4	4	+	\bot	(27) STAIRWAYS		4	_	-	(43) ELEVA	TORS		-	\dashv		
(12) LANDSCAPE	+	4	4	╄	(28) BASEMENT		4	_	4	(44)				\dashv	\Box	-
(13) DRIVEWAYS	+	4	\bot	╀	(29) WINDOW SHADE	5	4	4	4	(45)			-	-	_	H
(14) UNDER STRUCTURE	4	4	4	4	(30) GABLES		4	_	-	(46)				_	Н	\vdash
(15) ELECTRICAL SYSTEM	-	+	+	╄	(31) HEATING SYSTI	M (E.G.W.)	4	4	-	(47)				_	Н	Н
(16) PLUMBING SYSTEM []] REMARKS (Explain any 1	┵	ᆚ	┸	┸	(32) RADIATORS ()]		_,		(48)			لـ	لبا	Ш	Ĺ
IV THE STATEMENT ABOVE AS OF THE REPORT DA	TE	IN) I C	ATE											RT	۲
49. SIGNATURE OF U. S. REPR	ESE	N T	111	VE		DI. SIGNATU	ĸĘ	UF	FC	REIGN GOVERN	-EN					
50. OFFICIAL TITLE						52. OFFICIA	L	TIT	t L E							
L						<u> </u>	_						_	_	_	_

$\ensuremath{^{m J}}$ insert title of theater of operations or command.

Figure 5. Typical physical condition report and survey.

CAND CONDITION REPORT S (IF APPLICABLE) DATE DATE TYPE TOTAL AREA UNDER CULTIVATION TYPE OF CROPS PLANTED WERE CROPS HARVESTED PRIOR TO OCCUPANCY BY AND TYPE WHAT CONDITIONS ROADS AND TYPE S STREAMS OR CANALS TO BE DIVERTED S REMARKS: (DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES, SHRUBBERY AND TYPE OF LANDSCAPING)
ACREAGE TYPE TOTAL AREA UNDER CULTIVATION TYPE OF CROPS PLANTED WERE CROPS HARVESTED PRIOR TO OCCUPANCY STATE WHETHER NATIVES (INDIGENOUS) WILL BE ABLE TO WORK THE LAND AFTER OCCUPANCY. II UNDER WHAT CONDITIONS ROADS AND TYPE 2/ RAILROADS 2/ STREAMS OR CANALS TO BE DIVERTED 2/ REMARKS: (DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES.
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ACREAGE TYPE TOTAL AREA UNDER CULTIVATION TYPE OF CROPS PLANTED WERE CROPS HARVESTED PRIOR TO OCCUPANCY STATE WHETHER NATIVES (INDIGENOUS) WILL BE ABLE TO WORK THE LAND AFTER OCCUPANCY. UNDER WHAT CONDITIONS ROADS AND TYPE 2/ RAILROADS 2/ STREAMS OR CANALS TO BE DIVERTED 2/ REMARKS: (DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES.
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TOTAL AREA UNDER CULTIVATION
TYPE OF CROPS PLANTED
STATE WHETHER NATIVES (INDIGENOUS) WILL BE ABLE TO WORK THE LAND AFTER OCCUPANCY. UNDER WHAT CONDITIONS ROADS AND TYPE 2/ STREAMS OR CANALS TO BE DIVERTED 2/ REMARKS: (DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES.
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ROADS AND TYPE 2/
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RAILROADS 2/STREAMS OR CAHALS TO BE DIVERTED 2/ REMARKS: /DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES.
STREAMS OR CANALS TO BE DIVERTED 2/ REMARKS: (DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES.
REMARKS: (DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES.
REMARKS: (DESCRIBE IN DETAIL TYPE AND AMOUNT OF TREES ON LAND, WALLS, FENCES, SHRUBBERY AND TYPE OF LANDSCAPING)
AGES OR BUILDINGS TO BE DESTROYED OR REMOVED 2/
NOTE: (WHEN A REQUIREMENT EXISTS FOR THE REMOVAL OF ENTIRE VILLAGES OR A GROUP OF HOUSES, THE FOLLOWING INFORMATION WILL BE NECESSARY: A LIST OF OWNER'S MAMES, THE NUMBER OF HOUSES TO BE DESTROYED AND PROVISIONS MADE FOR THE RELOCATION OF CIVILIANS.)
SIGNATURE

Figure 6. Typical land condition report.

⁴ ALL ITEMS OF INFORMATION WILL BE SHOWN IN BOTH ENGLISH AND THE LANGUAGE OF THE COUNTRY CONCERNED.

 $^{^{2\}prime}$ APPLIES TO AIRFIELDS AND OTHER SUCH TYPE INSTALLATIONS.

and within the Law of Land Warfare (FM 27-10). when this type of real estate is used, it must be secured against all avoidable injury and will be released at the earliest practicable date.

b. Religious buildings, shrines, and consecrated places employed for worship normally are not utilized by the armed forces of the United States. However, if a situation of extreme emergency exists, the Law of Land Warfare (FM 27-10) does permit the use of this type of property for aid stations, medical installations, or the housing of wounded personnel awaiting evacuation.

c. Ancient and valuable properties include structures of historical interest and other structures containing works of art or furnishings of great monetary value. If, in cases of extreme necessity, such property is used for military purposes, commanders must take every precaution to safeguard and preserve the property.

d. The use of protected properties by the armed forces usually creates civil implications; consequently, an official list of protected real estate normally is published by the theater headquarters during the planning phase and expanded during occupation of the area. Authority to approve requests to utilize properties of this type normally is retained at the major command level, and strict regulations concerning safeguarding the property are enforced. Prior to occupancy, the moveable property is inventoried, stored, and secured, with strict precautions taken to prevent fire or pilferage. In all real estate transactions concerning this type of property, the Law of Land Warfare (FM 27-10) will apply and be fully respected.

50. Use of Nonrequisitioned Real Estate for Maneuvers

If a state of war exists, the use of non-requisitioned real estate for maneuver purposes falls within the Law of Land Warfare (FM-27-10) and transactions are subject to command policies and procedures in effect at the time. In peacetime, maneuvers involving the temporary use of land other than that under the direct control of the United States forces normally are a matter of negotiation with the civil government officials having jurisdiction over the required areas and subject to the provisions of previous

agreements with the country concerned. Prior to the conduct of maneuvers, notice is given to the appropriate local government officials indicating the areas to be used and the date of the maneuvers. Notification should include assurance that the rights of private citizens will not be violated and that private property including crops, fences, and livestock will be safeguarded to the maximum practicable extent. Normally, rental is not paid by the United States forces for the temporary use of lands for this purpose. However, damages to property arising from the maneuvers are recorded. After the completion of a maneuver in peacetime, the United States forces will either accept and consider legitimate claims for such damages submitted directly by property owners or negotiate the matter of claims settlement with the government concerned.

51. Release

a. When real estate is to be vacated, a written notice of departure is submitted to the responsible real estate officer. A form such as that shown in figure 7 may be utilized. This notice includes—

(1) Number and date of requisition.

(2) Precise location of property (name of building, street, and number, town or nearest town if in a rural area, province, state, map coordinates).

(3) Date property will be vacated.

b. Accompanying this notice of departure is a completed inventory and condition report noting the deficiencies, value of improvements, repairs, and alterations, and the condition of the property. If United States investment is involved, the report contains the original cost, cost of removal, expense of restoring the property to its original condition, and the salvage value of the United States owned items.

c. A complete and final policing of the property is made prior to the departure of the troops. Unit commanders of all echelons are responsible that their units leave the premises in proper condition when vacated. If for operational reasons a unit cannot police an area adequately before departure, the higher commander normally will designate another of his units to place the vacated property in a satisfactory condition.

- d. When real estate is vacated, it may be desirable to retain the property for future use. In this case, the inventory is completed by the departing unit and the real estate officer assumes responsibility for the property. The final inventory is then filed with the original inventory and requisition request. Record of reoccupancy is effected by preparing. a new inventory.
- e. Before releasing property to civilian owners or government agencies, the real estate officer must insure that no future need for the property exists. Requisitioned property for which no current military requirement exists but which may be required for future military utilization may be released temporarily on sufferance. A written sufferance agreement is executed between the responsible real estate officer and the owner or recipient of the property, who acknowledges that he—
 - (1) Understands that possession of the premises is on sufferance only.
 - (2) Agrees to vacate the property within a specified time after notice.
 - (3) Waives any claim for rent during the period of occupancy.
 - (4) Undertakes to be responsible for utilities and maintenance during his occupancy.

f. No United States owned installed equipment is left in a requisitioned facility when it is released unless the theater real estate officer determines that the removal of such equipment could not be justified economically or logistically. Where such a determination has been made, the theater real estate officer gives

written notification of the fact to each supply officer concerned. This notification will serve as authority for the supply officer to drop the item or items from his records.

g. Real estate may be transferred between services within the armed forces or to another agency of the United States Government. Transfers may include, either on a reimbursable or nonreimbursable basis, such United States owned installed equipment or removable property as mutually agreed upon by both participating agencies. After the completion of negotiations, the vacating service derequisitions the real estate and the receiving agency concurrently requisitions the property and assumes full responsibility and accountability as of the date of transfer.

52. Post-Treaty Conditions

When a treaty of peace is signed, the occupation status of the United States forces ends, with the corresponding loss of special rights and privileges. The enemy country acquires the status of a friendly nation, and real estate operations are conducted as described in chapter 5. Property held by the United States forces is returned to the owners unless other arrangements are effected by mutual agreement. During the occupation period, the theater real estate office should prepare plans for post-treaty operations based upon the known or anticipated employment of United States forces. Particular attention should be given to the acquisition of real estate for bases and installations that will be established under post-treaty agreements.

	CATE OF RELINQUISHMENT	
		(DATE)
THE FOLLOWING DESCRIBED PROPE	ERTY WILL BE RELEASED BY	
	TO THE	AREA COMMAND ON THE
DAY OF 195		
NAME OF PROPERTY		
LOCATION		
DESCRIPTION		
DISPOSED OF. LATRINES, GARBAGE PITS DITION WHICH MIGHT BE DETRIMENTAL. REMAINS IN THE SAME, OR BETTER, COND EXCEPT FOR THOSE CHANGES AND ALTER REPORT, REASONABLE WEAR AND TEAR	TO HEALTH OR APPEARANCE HAS BEI DITION THAN WHEN ORIGINALLY OCC NATIONS AS RECORDED ON THE RECO	AND MARKED. ANY OTHER CONEN ELIMINATED. THE PROPERTY UPIED BY THIS ORGANIZATION ORD OF PROPERTY ALTERATION
DATE OF RELEASE IS COMPLETE AND	SIGNATURE / REAL ESTATE HEREBY RELEASED BY THE	2/ TO REVERT TO
THE ABOVE DESCRIBED PROPERTY IS	SIGNATURE / REAL ESTATE HEREBY RELEASED BY THE HE GOVERNMENT OF	2/ TO REVERT TO
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Figure 7. Typical certificate of relinquishment.

 $^{^{\}underline{\mathbf{J}}}$ all items of information will be shown in both english and the language of country concerned.

^{2/} INSERT NAME OF APPROPRIATE UNITED STATES COMMAND OR FOREIGN COUNTRY.